



Cemeteries Clauses Act 1847

1847 CHAPTER 65 10 and 11 Vict

Burials

And with respect to burials in the cemetery, be it enacted as follows:

23 A part of cemetery to be set apart and consecrated for burial of members of Established Church.

The bishop of the diocese in which the cemetery is situated may, on the application of the company, consecrate any portion of the cemetery set apart for the burial of the dead according to the rites of the Established Church, if he be satisfied with the title of the company to such portion, and thinks fit to consecrate such portion; and the part which is so consecrated shall be used only for burials according to the rites of the Established Church.

24 Consecrated ground to be defined.

The company shall define by suitable marks the consecrated and unconsecrated portions of the cemetery.

25 A chapel in connection with the Established Church to be constructed.

The company shall build, within the consecrated part of the cemetery, and according to a plan approved of by the bishop of the diocese, a chapel for the performance of the burial service according to the rites of the Established Church.

26 Bodies when interred not to be removed without lawful authority.

No body buried in the consecrated part of the cemetery shall be removed from its place of burial without the like authority as is by law required for the removal of any body buried in the churchyard belonging to a parish church.

Status: Point in time view as at 11/07/1992.

Changes to legislation: There are currently no known outstanding effects for the Cemeteries Clauses Act 1847, Cross Heading: Burials. (See end of Document for details)

27 Chaplain to be appointed with consent of the bishop.

[^{F1}The company may] from time to time, with the approval of the bishop of the diocese in which the cemetery is situated, appoint a clerk in holy orders of the Established Church to officiate as chaplain in the consecrated part of the cemetery; and such chaplain shall be licensed by and be subject to the jurisdiction of the said bishop, and the said bishop shall have power to revoke any such licence, and to remove such chaplain, for any cause which appears to him reasonable.

Textual Amendments

- F1** Words in s. 27 substituted (Provinces of Canterbury and York except Channel Islands and Isle of Man) (11.7.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\)](#), s. 17(1), [Sch. 3 Para.1](#); Instruments dated 27.5.1992 and 11.7.1992 made by Archbishops of Canterbury and York

Modifications etc. (not altering text)

- C1** S. 27 saved as to City of London Cemetery by [London Government Act 1963 \(c. 33\)](#), s. 44(5)

28 Chaplain to perform burial service when required.

The chaplain shall, when required, unless prevented by sickness or other reasonable cause, perform the burial service over all bodies brought to be buried in the consecrated part of the cemetery which are entitled to be buried in consecrated ground according to the rites and usage of the Established Church.

Modifications etc. (not altering text)

- C2** S. 28 saved as to City of London Cemetery by [London Government Act 1963 \(c. 33\)](#), s. 44(5)

29 Other clergymen of the Established Church may be allowed to officiate.

Any clerk in holy orders of the Established Church, not being prohibited by the bishop, nor under ecclesiastical censure, at the request of the executor of the will of any deceased person, or any other person having the charge of the burial of the body of any deceased person, and with the consent of the chaplain for the time being of the cemetery, or if there be no chaplain with the consent of the bishop, may perform the said burial service over such body in the consecrated part of the cemetery.

Modifications etc. (not altering text)

- C3** S. 29 saved as to City of London Cemetery by [London Government Act 1963 \(c. 33\)](#), s. 44(5)

30 Company to pay the chaplain a stipend approved by the bishop.

The company, out of the monies to be received by virtue of this and the special Act, shall allow to the chaplain of the cemetery for the time being such a stipend as is approved of by the bishop of the diocese in which the cemetery is situated, which shall be payable by equal moieties, on the twenty-fifth day of March and the twenty-ninth day of September in each year; and if any chaplain die, resign, or be removed or appointed, in the interval between the half-yearly days of payment, the company shall

Status: Point in time view as at 11/07/1992.

Changes to legislation: There are currently no known outstanding effects for the Cemeteries Clauses Act 1847, Cross Heading: Burials. (See end of Document for details)

pay to him, or his executors or administrators, a part only of the half-yearly payment of the stipend, proportioned to the time during which he shall have been the chaplain since the last preceding day of payment.

Modifications etc. (not altering text)

C4 S. 30 saved as to City of London Cemetery by [London Government Act 1963 \(c. 33\)](#), s. 44(5)

31 Stipend may be recovered by action at law.

If the stipend of the said chaplain, or any part thereof, be not paid to the chaplain entitled to receive the same, or to the executors or administrators of a deceased chaplain, for the space of thirty days next after any of the days of payment whereon the same ought to be paid, such chaplain, or his executors or administrators, may recover the same, with full costs of suit, against the company, by action of debt or upon the case in any court of competent jurisdiction.

Modifications etc. (not altering text)

C5 S. 31 saved as to City of London Cemetery by [London Government Act 1963 \(c. 33\)](#), s. 44(5)

32 Burials in the consecrated portion to be registered by the chaplain.

All burials in the consecrated part of the cemetery shall be registered in register books to be provided by the company, and kept for that purpose by the chaplain, according to the laws in force by which registers are required to be kept by the rectors, vicars, or curates of parishes or ecclesiastical districts in England; and such register books, or copies or extracts therefrom, shall be received in all courts in evidence of such burials; [^{F2}and copies or transcripts thereof shall be from time to time sent to the registrar of the ecclesiastical court of the bishop of the diocese in which the cemetery is situated, to be kept with the copies of the other register books of the parishes within his diocese.]

Textual Amendments

F2 Words from "and copies" to the end repealed as respects provinces of Canterbury and York except the Channel Islands and Isle of Man, by [Parochial Registers and Records Measure 1978 \(No. 2, SIF 21:9\)](#), s. 26(2), [Sch. 4](#)

[^{F3}33 **Registers to be subject to the regulations of 6 & 7 Will. 4. c. 86. as to searches, &c.**

The said register books, so far as respects searches to be made therein, and copies and extracts to be taken therefrom, shall be subject to the same regulations as are provided by the ^{M1}Births and Deaths Registration Act 1836, so far as such regulations relate to register books of burials kept by any rector, vicar, or curate.]

Status: Point in time view as at 11/07/1992.

Changes to legislation: There are currently no known outstanding effects for the Cemeteries Clauses Act 1847, Cross Heading: Burials. (See end of Document for details)

Textual Amendments

- F3** S. 33 commencing "Section 35" substituted for s.33 commencing "The said register" as respects provinces of Canterbury and York except the Channel Islands and Isle of Man, by [Parochial Registers and Records Measure 1978 \(No. 2, SIF 21:9\)](#), s. 26(1), [Sch. 3 para. 1](#)

Marginal Citations

- M1** 1836 c. 86.

[^{F4}33

Section 35 of the Births and Deaths Registration Act 1836 (searches in register books of baptisms or burials), as in force immediately before the passing of the Ecclesiastical Fees Measure 1962, shall apply in relation to the register books kept under section 32 of this Act with the substitution for the reference to a rector, vicar or curate of a reference to the chaplain by whom the said books are kept.]

Textual Amendments

- F4** S. 33 commencing "Section 35" substituted for s.33 commencing "The said register" as respects provinces of Canterbury and York except the Channel Islands and Isle of Man, by [Parochial Registers and Records Measure 1978 \(No. 2, SIF 21:9\)](#), s. 26(1), [Sch. 3 para. 1](#)

34 Clerk appointment for the consecrated part of the cemetery.

The company may, with the consent of the chaplain for the time being, from time to time appoint a clerk to assist in performing the service for burials in the consecrated part of the cemetery, and allow to such clerk such stipend as they think proper out of the monies to be received by virtue of this and the special Act, and they may remove such clerk at their pleasure.

35 As to burial of persons not members of the Church of England.

The company may set apart the whole or a portion of that part of the cemetery which is not set apart for burials according to the rites of the Established Church as a place of burial for the bodies of persons not being members of the Established Church, and may allow such bodies to be buried therein, under such regulations as the company appoint.

36 Company may allow any burial service to be performed in dissenting chapels.

The company may allow, in any chapel built within the unconsecrated part of the cemetery, a burial service to be performed according to the rites of any church or congregation other than the Established Church, by any minister of such other church or congregation duly authorized by law to officiate in such church or congregation, or recognized as such by the religious community or society to which he belongs.

37 Power to appoint gravediggers, &c.

The company may appoint gravediggers and other servants necessary for the care and use of the cemetery, and may pay them such wages and allowances as they think fit

Status: Point in time view as at 11/07/1992.

Changes to legislation: There are currently no known outstanding effects for the Cemeteries Clauses Act 1847, Cross Heading: Burials. (See end of Document for details)

out of the monies to be received by virtue of this and the special Act, and may remove them or any of them at their pleasure.

38 Regulations for ensuring decency and solemnity.

The company shall make regulations for ensuring that all burials within the cemetery are conducted in a decent and solemn manner.

39 No burials under or close to chapels.

No body shall be buried in any vault under any chapel of the cemetery, or within fifteen feet of the outer wall of any such chapel.

Status:

Point in time view as at 11/07/1992.

Changes to legislation:

There are currently no known outstanding effects for the Cemeteries Clauses Act 1847, Cross Heading: Burials.